

for the Western District of Pennsylvania

United States District Court,

v.

)

15-cr-168

Frederick Banks,

defendant.

)

MOTION TO CLOSE SURVEILLANCE;
AND MOTION TO QUASH SUBPOENAS

Defendant Frederick Banks' moves to have the government disclose electronic illegal surveillance in this case and moves to quash the grand jury subpoenas;

1. During the investigation in this case which the government alleged revealed evidence of other crimes the government used unlawful surveillance in violation of 18 USC § 2515 and 3504 and 50 USC § 1801 see Doe No 4 v. Doe No 1, 103 F.3d 234 (2nd Cir. 1996). Now that the investigation has been completed defendant moves the court for an order requiring the government to disclose the unlawful surveillance. The information obtained from the electronic surveillance was unreasonable in violation of the 4th Amendment and should be suppressed. No warrant for this surveillance was issued and no probable cause existed.

2. All the Grand Jury Subpoenas issued in this case should be quashed and the evidence suppressed because the subpoenas were issued by the U.S. Attorney's Office and the information was received by that office rather than by the Grand Jury which made the subpoenas invalid. For instance the Grand Jury Subpoena ~~to~~ to Sprint was sent by the U.S. Attorney's Office and the AUSA in this case received the reply which violated the independent nature of the Grand Jury Body, the ~~the~~ Fifth Amendment Grand Jury Clause and Fed.R.Crim.Proc. 177 constituting an unreasonable request in violation of the 4th Amendment. Also, all in violation of the Separation of Powers doctrine.

Wherefore, the foregoing Motion should be granted.

Certificate of Service

Respectfully Submitted,
Frederick Banks

I hereby certify that on the 7th day of November, 2015
 I served a true and correct copy of the foregoing by mail delivery
 upon the following, Office of the U.S. Atty.

1000 U.S. Courthouse
 203 Grand St.
 2nd Flr
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Frederick Banks

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 Defendant